



Pre-Application Conference

Pre-Application Conference Notes – PRA 21-06, Tofte Farms – April 19, 2021 (via Zoom)

Prepared by Erik Forsell, Associate Planner

This document is an informational supplement to the pre-application meeting. It does not imply nor grant land use approval as defined by ORS. The discussion in this document is a summary of general discussion and may not account for all details discussed.

PARTICIPANTS

City of Canby:

- Jerry Nelzen, Public Works Director; nelzenj@canbyoregon.gov
- Hassan Ibrahim, PE, Consulting Engineer, Curran-McLeod; hai@curran-mcleod.com
- Erik Forsell, Associate Planner; ForselleE@canbyoregon.gov
- Ryan Potter, AICP, Senior Planner; PotterR@canbyoregon.gov
- Don Hardy, Planning Director; HardyD@canbyoregon.gov

Applicant Team:

- Mimi Doukas; doukasm@aks-eng.com
- Marie Holladay; holladaym@aks-eng.com
- Michael Robinson;
- Paul Selke selkep@aks-eng.com
- Mike Morse morsem@aks-eng.com
- Pahlisch Representatives

DISCUSSION

Mimi Doukas, AKS

- Mimi provided a general overview of the project: discussed layout, street connectivity, zoning and overall concept of the project. Discussed the breaking up of the R-1 and R-1.5 between N. Juniper Street.
- You would suggest that the DCP could be a little more vague and not necessarily dive into the exceptions at the DCP level? (Don) You have some options; one route could be via DCP or to go through the PUD process.
- We are concerned with some of the strict writing of the code: block length, coverage requirements, frontage requirements and want some clarification. We would like to stay with a straight subdivision and are hoping that we can get this processed in that manner.
- Still have issues with the alternative lot layout standards. We have lots that are substantially larger than required in the zone. (Erik) Yes the 10% threshold is pretty hard line not sure if the mechanism to modify with the PUD or variance. A big component of the lot area averaging is that the open space area is interconnected, continuous and consolidated. It doesn't look exactly like that from this preliminary plat. Previous iterations of this project showed more of that

interconnectedness and consolidation. Regarding the 10% lot area threshold for alternative lot layout, to move the 10% threshold looks like it could be modified through alternative lot layout in combination with the PUD. This needs to demonstrate a public interest that is not already being received as part of a relatively straightforward subdivision.

- Both the PUD / Alternative Lot Layout are really focusing on the open space amenities. The alternative lot layout really speaks to built in density bonus with the lot area average. (Mimi) We agree that we are not asking for a density bonus here and providing improved open space we are looking to navigate the 10% exception to the lot areas. Do we pursue a variance? (Erik) Not sure, the variance can be difficult to justify with a greenfield type development like this instance.
- Code speaks to voter approved annexation process? (Don/Erik) Correct, that was changed in state law, not applicable to this project because of contiguity with existing annexed property. Could still apply for not contiguous annexed properties.
- Questions about the traffic report, applicant paid DKS for traffic study? (Mike) Spoke with DKS on project and confirmed that the project scope was there. (Mimi) We want to have the study done at maximum density?
- What is the name of the street on, google It says 18th on plat it says 17th? (Erik) Yes, that is SE 17th avenue?
- Head in parking is something allowed? (Ryan) We do have a standard that only 4-spaces could be allowed for maximum head in spacing about public parking. (Erik) I think your point about demonstrating parking and maybe even some visuals are going to be useful for staff to use for parking findings.

Don Hardy, City of Canby

- Discussed the sequencing of application submittals and background work on a Development Agreement between Canby and the applicant regarding timelines for submittals, general sequencing and other agreements. Indicated that the City wants the annexation, DCP and zone change to be approved through the Planning Commission before the submittal of a subdivision. Also indicated we will request a waiver to the ORS requirements for timelines on action for subdivision application.
- We are not really seeing the DCP as a strong vehicle for varying the development code. Frontage, parking lot dimensions are concerning especially in the NW section.
- We are looking at lot sizes, frontages, coverages that don't meet the code and how they need to be varied or otherwise allowed. We also have concern over the area around the Molalla River.
- The DCP may not be the best mechanism for exceptions; you could wade into these items to some extent but not to the extent that the DCP becomes the PUD itself. This should be a potential to evaluate broad concepts of the design.
- Some of the items of contention are more difficult the parking and lot frontage in the Northwest and the coverage areas are going to be difficult.
- Regarding the neighborhood meeting, we recommend being cautious about characterizing the first meeting. It needs to be framed as a DCP/Annexation/Zone Change first with the 2nd meeting being a subdivision.
- Timelines: Ordinance requires 2 council meetings with a 35-day DLCD noticing procedure; final decision is the 2nd reading of the ordinance.

Hassan Ibrahim, Consulting City Engineer

- Street Transportation / Circulation (Q #s 15, 16, 17)
 - Ivy Street is an arterial with a 60-foot wide ROW existing and should be adequate for ½ street improvements. Needs 23' from centerline to curb line.
 - 6' wide sidewalk if 5' sidewalk is present will match with existing.
 - Roundabout radius should be centerline of intersection at 92'. Does not need to be built at this time. Hope Village will dedicate ¼ of NW corner. NE corner will be Tofte ¼ dedication.
 - Roundabout is not in TSP or SDC calculations. Dedication reimbursement is up to City Council or Planning. Although, the plan is definitely to construct roundabout.
- (Q 18) Angle of 76 degrees, we strive to 90 degree angles into interior streets, city standards allow reduction down to 75 degrees. If there is a way to make them as close to 90 degrees that is the preferred route.
- Minimum centerline radius is 165' If can't meet the tangent and centerline radii would rather compromise the centerline radius than the tangent. Hopefully nothing less than 100' centerline radius.
- (Paul) Streets will be 34' wide curb to curb, 44' ROW? Correct.
- (Paul) Sidewalks will all be in the PUE? (Erik) It starts to create issues with setbacks in the future, garage setbacks are 19' from rear of sidewalk. (Jerry) Canby Utility will also need to weigh in on the concept; this is a Planning and Canby Utility issues. (Erik) If the entire sidewalk is within the PUE on the property, the sidewalk and associated curb will count against the total impervious area calculations.
- Hassan would like to see curb and gutter and catch inlets. Standard details for those improvements are on the City website.
- Hassan mentioned the fire district standards and request a 26' clear path. The Fire Departments regulations are not consistent with City Standards regarding public parking on both sides of the streets. City has ultimate authority over the parking standards.-(Erik) City has incorporated Fire District Standards by reference in our code. Regardless coordination between Canby Fire District, City Engineer and Planning will be required for final design of street sections and widths.
- (Q19) 150' long on cul-de-sac street separation requirements. The measurement for the separation from the intersection from the local street appears to be 137' from intersection. Will need to address why the applicant cannot meet the requirement. The turning radius needs to be 54' from centerline. Section 2.2.06 PW Department.
- Hassan mentioned he understood that the City was no longer accepting dedications of parkland. (Erik) A complicated issue. The Emerald Necklace is not really a negotiable item. (Don) The code has not changed that the developer has to contribute, understand that there is a desire for developers to contribute to SDCs. There is some negotiation on value of dedication versus SDCs. (Jerry) The Parks and Recreation team wants to be involved. (Don)
- (Erik) We will need to coordinate with other agencies such as Park's Advisory Committee (PAC) as appropriate – Parks PAC is an advisory group. Planning in consultation with other groups will have final authority on the acceptance of park land dedication. Any proposed parkland dedications need data and assumptions such as amenities, LOS, type of park, proposed users etc.
- Pedestrian paths need to be paved full width and striped. We don't want any planter strips along either side. It becomes an issue with maintenance. (Mimi) Mentioned that Palisch Homes builds a strong relationship with HOA and HOA management. They manage many private open

spaces areas. Pahlisch may be an HOA maintained facility. They are able to maintain the open spaces and would like to have some of them maintained. (Hassan) If HOA maintains the pedestrian tracts, Public Works is OK with them being landscaped.

- (Q 23) Canby Utility requires 12-foot wide PUEs.
- (Q 24) This area judging by the west side, percolates well for infiltration. We use UICs and drywells and we are permitted under statewide DEQ permitting. We are covered under that permit. Anything private you will need to connect them together so that they are as homogeneous as possible.
- (Q 25) Sanitary sewer all laterals are 6" with a cleanout in the sidewalk. City has details on those. City's policy where there is a potential where we can take a sanitary to an existing gravity sewer. If that's not possible, we will go to pumping.
- The pump station can take the flow from this development it is sized to take that flow.
- Question for SDCs for off-street part of the sewer. Developer could pay for half the cost and has the sewer on the back of the property or could form an AFD to recover the offsite costs. There is a process in the City to do this.
- Is there a master plan 'shadow plat' with connections to neighboring properties? (Mimi) We haven't fully shadowed it out but we are providing good connections neighboring properties. (Don) We discussed this and would like to see a shadow plat.

Erik Forsell, City of Canby

- Will provide contacts with for Canby Fire District and Canby Utility.
- Canby Fire District is not part of the City government structure.
- There are multiple land use applications here tracking at the same time. DCP, Annexation, Zone Change. Some of the DCP components are discretionary and may change the subdivision exact design. Can't predict the future of the Planning Commission and City Council. (Mimi) How much discretion does the Planning Commission and City Council over the DCP? (Erik) Staff work from the code but there are some outside components, political, appeals or other factors. (Don) Sequencing is important here, we are essentially building a 'box' that describes the general concept of the entire subdivision. Exceptions to the standards would be found more in the subdivision and PUD/alternative lot layout standards.
- Lot coverage 60% for R-1 zones but does allow 70% for R-1.5 zones. (Mimi) Does lot coverage contain just building footprint? (Erik) It includes improvements, sidewalks and lot areas. So for R-1 zones it looks like some these lots are not going to meet the impervious area percentage requirements. The other thing that happens here is people generally want accessory structures, with maxed out lots we have to get into the conversation of telling a lot of people no because the lots have been maxed out. We do allow people to provide LID techniques so as pervious concrete, asphalts, raingardens and other ways to reduce in theory the impervious coverage.
- PUDs are mushy code. We haven't used them a ton in Canby recently. PUDs are really intended to provide as part of the process consolidated, interconnected open space areas with LID techniques and clustering of uses. It really was a more effective tool for projects like condominiums (Hope Village) was an example.
- Do you have a topo (Paul) We don't have a survey of OHW, just top of bank. (Erik/Don) We will also need delineated upbank wetland area, floodplain, existing conditions, and tree survey. (Don) The line for riparian setback and we will need the delineated upland wetland area. Basically, we are wanting to build our information so we have the scientific supporting data

related to the positioning of the trail, Geotech requirements, riparian setback area and any future engagement with interested public in the future.

- The reasoning for choosing 100' setback for riparian area for non-annexed properties and 75' for annexed properties? The Geotech standards are part of the applicant's city engineer and are not part of the city code standards.
- Where did the 50' setback for the Geotech recommendation come from? (Paul) That was the seismic and structural setback recommendation that came back from the Geotech engineering report.
- No bank stabilization on the downslope? (Paul) No large gravels, rocks and present; Geotech should clear this up.
- Setbacks question (Mimi) Primarily interested in a 7' variance. (Don / Erik) This is something that the Council is not favorable on, this will be a hard sell. We have a different project going now asking for a blanket variance and that is something we will likely be recommending denial. The PUD may be a better vehicle. (Don) There is some consistency related to the more leeway with coverage, area and variances that the feel is more R-2 than actually R-1.

Paul Selke, Applicant Team Engineer

- Confirm that tangent is from the projection of the curbline? (Hassan) Correct.
- Lots on bluff can we put private water into a public system, do we still need to go through DEQ? (Hassan/Jerry) Sometimes you can use weepholes onto the street and once it goes on the street it becomes public water. It may need to be some of the lots across the street. Water needs to be far away from the geotech zone.
- Would you prefer weepholes as opposed to a public storm system with laterals to the lines? (Jerry) Yes. As long as weepholes go to curb and gutter or a 4" line to the house it will be maintained by Canby. (Jerry) We are not going to allow piping stormwater unless you can prove that you don't have the grade to use weepholes.
- If we have a private dry well system can we have a weephole for an overflow? (Jerry) If you build it to our design. The ground conditions should not be a problem unless the geotech indicates something different. If you have grade issues, look into taking your foundation drain into an infiltration system.
- Driveways drain to the street? (Hassan) Not technically, but the public system needs to account for it.
- When we can submit the 1200-C? (Erik) You could send them to me along with the construction drawings after the subdivision is final.

Jerry Nelzen, City of Canby Public Works

- A power vault was placed in the wrong place. Applicant will need to coordinate with Canby Utility on the power vault relocation. The benefit is applicant will not need to extend power from 16th but the vault will need to be moved over onto Tofte site.
- Street Lighting. Right now Canby Utility does not have anyone doing street light designs. We would like to see them on the plans and we will adjust them. We use a 24' post with a 39 watt LED Cobra Head light with 150' stagger centered on property lines. On Ivy it will be a 34' post with a 84 watt LED Light.
- The sewer concerns me, the depth of it. At one time we talked about a private pump station. We want to be involved with that.

- Public Works would like for the applicant to handle the street trees on this one and let the applicant take on the street tree process and Public Works review the project. (Don) Timing will be on the applicant to address the street tree placement.
- Dimensions of tract C? (Paul) 200' x 180'.
- What will happen with the roundabout area until build out? They would build out the road to ½ street standards rather than having a 'dead zone' area.
- What are the dimensions of Tract 'C' ? (Paul)

Michael Robinson, Applicant's Attorney

- Wanted to confirm that the vault will need to be moved outside of the ROW area as part of the power provision. (Jerry confirmed and indicated moving to the other site of the public ROW will work).
- 16.84.040(A)(1)(b) (Annexation) Properties shown the DCP area on the annexation and development map? (Erik) Yes it is. Wanted to ask about discussion on exceptions, what would you say on how that component works? (Don) There is an opportunity to allow for exceptions on the DCP. The burden of proof must demonstrate compatibility with physical, aesthetic, social and environmental standards and proposed mitigation efforts in line with these standards. We believe the zoning code is the implementation method. (Erik) A more specific example of exceptions through the DCP were density bonuses through the dedication park land in the N. Redwood DCP area. (Mimi) What kind of exception if any should be proposed with the DCP or should it be done through a PUD? There are some lots we have that meet the averaging requirements but are exceeding the maximum amounts. Is this kicking us over to a PUD or should this be included as a DCP? (Don) It doesn't really have a bright line. Some considerations are: where are people going to park? What is the minimum frontage requirements? What are the deviations for those? Parking is a huge issue. There was a recent denial focused solely on parking requirements and perceptions.
- Lot coverage standard in the two zones is there a definition of what is included in the lot coverage zones? (Erik) It includes all covered areas and structures on the property.
- Are Canby schools operating in person right now? (Don) I believe they are operating on a hybrid model.

Marie Holladay, AKS

- TSP calls out a trail section but no real design requirements.
- Related to the noticing requirements? (Ryan / Erik) We have been sending notice to each unit not necessarily with our names. (Marie) How does the applicant go about doing that? (Ryan / Erik) We will need to notice the individual occupants.

Mike Robinson, Applicant's Attorney

- Wanted to confirm that the vault will need to be moved outside of the ROW area as part of the power provision. (Jerry confirmed and indicated moving to the other site of the public ROW will work).

Pahlisch Homes, Applicant

- Would want to maintain and build trails themselves.
- Would want to dedicate the Emerald Necklace Trail in exchange for SDC credits on parks. (Jerry) You will design and build the parks? (Pahlisch Homes) Yes, we generally do that with our

development projects. (Don) We need to understand better the balance of what would be built and dedicated and what SDC valuation would be creditable.

General Commentary Follow-Up from Staff

Development Concept Plan

- The DCP is the planning document that discusses the high-level planning concepts around environmental, aesthetic, social and physical effects. How the proposed land will accommodate and benefit these characteristics and be an asset for the City. The DCP is also intended to allow for public participation in the annexation process so that the public can see what the overall concept is for the area to be annexed.
- The DCP should include overall plans for utility, road, interconnectivity, pedestrian and other general layouts of the project area. The DCP is the planning document framework for why bringing this land into the city can be accommodated by existing public services but that the potential proposed development will be compatible with surrounding area and the City as a whole.
- A Development Concept Plan (DCP) binding for all properties located within the boundaries of a designated DCP area as shown on the City of Canby Annexation Development Map. The DCP needs to address and plan for the utilities, circulation, street infrastructure, open space, parks and other information as appropriate.
 - There should be data based findings and assumptions about the DCP area that demonstrate the need for additional land zoned R-1 and R-1.5
- The DCP should include a housing analysis, identifying the amount of vacant land (R-1 and R-1.5) that is currently inside the city limits.
 - This should include a consumption rate.
 - A demonstration of the 3-year supply of residential land.

Regarding Molalla River Bank Area

- As soon as you are able can we get copies of the mapping / surveying done. Specifically, floodplain, existing conditions, topography, and any delineated wetland areas.

Commentary on Parks Board and Acceptance of Dedicated Park Land

This will be an ongoing process which will require staff to better understand the desires and perceptions of public works / park staff and the parks community advisory board. We are also in the process of updating our master parks plan – which may have some effect, depending on timing on dedications.

At this time, our suggestion is for you to invite the Parks Board members into the neighborhood meeting and begin a discussion with them at that level. We believe the optics on this are important and a sounding board scenario with the neighborhood meeting should produce some good feedback and discussion.

Evaluation on the acceptance of parkland dedication will be made on a basis of:

- Need

- Accessibility
- Amenities
- Parking
- Balance between SDC funding and desire for acceptance of additional park land

As we discussed in the meeting, we will need to determine appropriate SDC creditable calculations for the process. We will begin by opening a discussion with the Parks Board on the overall project to gauge the park dedication process. Ultimately, the acceptance or refusal of parkland dedication is a Planning Commission / Director decision.

Setbacks / Impervious Percentages and Lot Frontage

- These standards are rigid. Of the three, impervious percentages can be mitigated through LID techniques and pervious surfacing outside of direct code application like a variance or PUD. Any large scale LID proposals will need to be backed by engineering and perhaps CC&Rs and plat notes so that there is an understanding these will be maintained in perpetuity. The City doesn't want to play the role of enforcer when someone wants to build an accessory structure or repave their driveway and are unable to do so because of a 'pervious' driveway used to address the impervious percentage requirements.
- We understand that the Council is generally not supportive of 'blanket variances' and that there really needs to be extraordinary and unusual circumstances that effect the property and development to justify the variance to setbacks and lot frontage.

Lot Area Exceptions for R-1 Zone 16.16.030(B)

Regarding our discussion about the 10% threshold for lot are exceptions. A 10% allowance is built into the code through the development standards of the zone.

- If More than 10% of the lots are outside the minimum and maximum lot area of 16.16.030(A) a public benefit must be demonstrated by the applicant. It will be up to the applicant to demonstrate sufficiently that there is a public benefit for the Planning Commission to grant the exception. Public Benefit is not a defined term in our code – so there is significant discretion past the 10% allowance.
- No lot shall be less than 6,000 square feet unless the lot averaging of 16.64.040 is used. As I mentioned in the preapp, the Alternative Lot layout found in 16.64.040 allows flexibility but the focus is on accommodating dedicated interconnected open space or natural areas. It isn't a free pass for alteration of setbacks and lot area requirements without providing that dedicated, interconnected open space are or natural areas. We believe the burden will again be on the applicant to demonstrate that those aspects are being provided for in order to pursue the added flexibility of the lot averaging standards in 16.64.040.

PUD

- The PUD Exception criteria is the largest 'blanket' code criteria that allows for deviation for standards. **16.76.040 Exceptions.** In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such

regulations, requirements and standards to the development. Modification of the lot size, lot width and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision.

- The PUD standards have not been used frequently in the City. The way the code reads is that they are mostly intended to accommodate cottage clustering, unique multifamily projects or similar types of development rather than a broad tool for subdivisions. The code is squishy and has a focus similar to the alternative lot layout on provisions for protecting and maintaining quality open space areas.